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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 LAMARR ROWELL,

10 Petitioner,

11 vs.

12 JACK PALMER, et al.,

13 Respondents.
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Case No. 3:10-CV-00135-LRH-(VPC)

ORDER

15 Before the court are the amended petition for writ of habeas corpus (#31), respondents'
16 motion to dismiss (#36), petitioner's response to motion to dismiss (#41), and petitioner's motion
17 for dismissal of grounds two(B), two(C), and two(D) (#42).

18 The amended petition originally contained five numbered grounds. The court dismissed
19 grounds 1, 3, 4, and 5, and the court directed respondents to respond to the remaining ground 2,
20 which itself has four parts. Order (#35).

21 The parties agree that petitioner has not exhausted his available remedies in state court for
22 grounds two(B), two(C), and two(D) of the amended petition (#31). Petitioner asks the court to
23 dismiss those grounds. Even though the briefing schedules for the motions have not expired, further
24 briefing is not necessary under these circumstances.

25 IT IS THEREFORE ORDERED that respondents' motion to dismiss (#36) and petitioner's
26 motion for dismissal of grounds two(B), two(C), and two(D) (#42) are **GRANTED**. Grounds
27 two(B), two(C), and two(D) are **DISMISSED** for failure to exhaust available state-court remedies.
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1 IT IS FURTHER ORDERED that respondents shall have forty-five (45) days from the date
2 of entry of this order to file and serve an answer, which shall comply with Rule 5 of the Rules
3 Governing Section 2254 Cases in the United States District Courts. Petitioner shall have forty-five
4 (45) days from the date on which the answer is served to file a reply.

5 DATED this 5th day of October, 2011.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE